

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13426

PERMIT 8962

LICENSE 5105

ORDER ALLOWING DELETION OF DIRECT DIVERSION SOURCE, AMOUNT, AND SEASON, AND ALLOWING CHANGE IN PURPOSE OF USE AND PLACE OF USE

WHEREAS:

1. A petition (1) to delete direct diversion amount, season of diversion, and source, and (2) to change the purpose of use, and place of use presently authorized by License 5105 has been filed with the State Water Resources Control Board and said Board has determined that good cause for such deletions and changes has been shown.
2. License 5105 was issued to Walter R. and Emma J. Olinghouse and was filed with the County Recorder of Mariposa County on May 12, 1958.
3. License 5105 was subsequently assigned to Harvey L. Crose.
4. The Board has determined that these deletions and changes will not operate to the injury of any other legal user of water involved.

NOW, THEREFORE, IT IS ORDERED:

1. That permission is hereby granted to delete from License 5105 all reference to direct diversion of water and that the entire amount and season now covered by License 5105 be described as follows:

7.5 ACRE-FEET PER ANNUM TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO APRIL 1 OF THE SUCCEEDING YEAR.

2. That permission is hereby granted to delete from License 5105 Oliver Creek as the direct diversion source and that the only source of water now covered by License 5105 be described as follows:

UNNAMED STREAM TRIBUTARY TO OLIVER CREEK THENCE EAST FORK CHOWCHILLA CREEK.

3. That permission is hereby granted to change the purpose of use under said License 5105 to a purpose of use described as follows:

RECREATIONAL.

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4. That permission is hereby granted to change the place of use under said License 5105 to a place of use as follows:

AT THE RESERVOIR WITHIN NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 14, T5S, R20E, MDB&M.

Dated: FEB 28 1975

R. L. Rosenberger
R. L. Rosenberger, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13426

PERMIT 8962

LICENSE 5105

THIS IS TO CERTIFY, That

Walter R. and Emma J. Olinghouse
Star Route
Mariposa, California

Notice of Assignment (Over)

have made proof as of September 11, 1956
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
(1) an unnamed stream and (2) Oliver Creek in Mariposa County

tributary to (1) Oliver Creek and (2) Delong Creek

for the purpose of irrigation use
under Permit 8962 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from October 28, 1949
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed (1) seven and five tenths
(7.5) acre feet per annum by storage to be collected from about October 1 of each
year to about April 1 of the succeeding year, and
(2) five tenths (0.5) cubic foot per second by direct diversion to be diverted
from about May 15 to about September 15 of each year.

The equivalent of such continuous flow allowance for any thirty-day period
may be diverted in a shorter time if there be no interference with other vested
rights.

The points of diversion of such water are located:

- (1) North four thousand one hundred (4100) feet and east six hundred (600) feet
from SW corner of Section 14, T5S, R2OE, MDB&M being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said
Section 14, and
- (2) North three thousand two hundred (3200) feet and west one thousand three
hundred ten (1310) feet from SE corner of Section 28, T5S, R2OE, MDB&M being
within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 28.

A description of the lands or the place where such water is put to beneficial use is as follows:
25 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T5S, R2OE, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAY 12 '58

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
LESLIE C. JOPSON
Chief Engineer

2-15-62

RECEIVED NOTICE OF ASSIGNMENT TO

Harvey L. Crave

1-11-85 Asgd to Michael V. Hubert

LICENSE 5105

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

Walter R. and
Emma J. Olinghouse

DATED MAY 12 1958

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